

MT LEGISLATIVE HISTORY

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Chapter 329 1991

Bill H _____ S 239

Original bill & hist. ☒ C

H. Committee on Fish & Game

S. Committee on Fish & Game

Hearing Date(s) Mar 13 ☒ C

Hearing Date(s) Feb 12 ☒ C

_____ ☐ C

Feb 14 ☒ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

_____ ☐ C

Date Out Mar 14 ☒ C

Feb 15 ☒ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

SENATE FINAL STATUS

SB 239

TRANSMITTED TO HOUSE			
3/04	FIRST READING		
3/04	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
3/11	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED		
3/16	2ND READING CONCURRED	64	25
3/18	3RD READING CONCURRED	84	15
RETURNED TO SENATE			
3/23	SIGNED BY PRESIDENT		
3/23	SIGNED BY SPEAKER		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 276		

EFFECTIVE DATE: 10/01/91

SB 238 INTRODUCED BY CRIPPEN, ET AL.

REVISE MUNICIPAL FINANCE CONSOLIDATION ACT TO ALLOW
PARTICIPATION BY REGENTS

1/31 INTRODUCED			
1/31 REFERRED TO TAXATION			
1/31 FIRST READING			
2/08 HEARING			
2/13	COMMITTEE REPORT—BILL PASSED		
2/14	2ND READING PASSED	50	0
2/15	3RD READING PASSED	49	0
TRANSMITTED TO HOUSE			
2/16	FIRST READING		
2/16	REFERRED TO TAXATION		
3/19	HEARING		
3/19	COMMITTEE REPORT—BILL CONCURRED		
4/11	2ND READING CONCURRED	91	7
4/12	3RD READING CONCURRED	92	6
RETURNED TO SENATE			
4/19	SIGNED BY PRESIDENT		
4/20	SIGNED BY SPEAKER		
4/20	TRANSMITTED TO GOVERNOR		
4/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 593		

EFFECTIVE DATE: 7/01/91

SB 239 INTRODUCED BY VAN VALKENBURG, ET AL.

ESTABLISH AS FELONIES THE SALE AND POSSESSION OF
UNLAWFULLY TAKEN WILDLIFE
BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE, & PARKS

1/31 INTRODUCED			
1/31 REFERRED TO FISH & GAME			
1/31 FIRST READING			
2/11 FISCAL NOTE REQUESTED			
2/12 HEARING			
2/12 FISCAL NOTE PRINTED			
2/12 FISCAL NOTE RECEIVED			
2/15	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/16	2ND READING PASSED	48	0
2/18	3RD READING PASSED	48	0
TRANSMITTED TO HOUSE			
3/04	FIRST READING		
3/04	REFERRED TO FISH & GAME		
3/13	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/18	2ND READING CONCURRED	76	13
3/19	3RD READING CONCURRED	89	10
RETURNED TO SENATE WITH AMENDMENTS			
3/23	2ND READING AMENDMENTS CONCURRED	47	0

SB 240

SENATE FINAL STATUS

3/25	3RD READING AMENDMENTS CONCURRED	48	0
3/28	SIGNED BY PRESIDENT		
4/02	SIGNED BY SPEAKER		
4/02	TRANSMITTED TO GOVERNOR		
4/04	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 329		

EFFECTIVE DATE: 7/01/91

SB 240 INTRODUCED BY VAN VALKENBURG, ET AL.

GENERALLY REVISE FISH & GAME MISDEMEANOR STATUTES
BY REQUEST OF DEPARTMENT OF FISH, WILDLIFE, & PARKS

1/31	INTRODUCED		
1/31	REFERRED TO FISH & GAME		
1/31	FIRST READING		
1/31	FISCAL NOTE REQUESTED		
2/04	FISCAL NOTE RECEIVED		
2/04	FISCAL NOTE PRINTED		
2/12	HEARING		
2/15	COMMITTEE REPORT—BILL PASSED		
2/16	2ND READING PASSED	48	0
2/18	3RD READING PASSED	49	0

	TRANSMITTED TO HOUSE		
3/04	FIRST READING		
3/04	REFERRED TO FISH & GAME		
3/13	HEARING		
3/15	COMMITTEE REPORT—BILL CONCURRED		
3/16	2ND READING CONCURRED	90	0
3/18	3RD READING CONCURRED	95	2
	RETURNED TO SENATE		
3/23	SIGNED BY PRESIDENT		
3/23	SIGNED BY SPEAKER		
3/25	TRANSMITTED TO GOVERNOR		
3/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 277		

EFFECTIVE DATE: 7/01/91

SB 241 INTRODUCED BY BLAYLOCK

PROHIBIT DUAL COMPENSATION FOR CERTAIN ELECTED STATE
OFFICIALS

1/31	INTRODUCED		
2/01	REFERRED TO STATE ADMINISTRATION		
2/01	FIRST READING		
2/08	HEARING		
2/11	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/13	2ND READING PASSED AS AMENDED	49	0
2/14	3RD READING PASSED	50	0
	TRANSMITTED TO HOUSE		
2/15	FIRST READING		
2/15	REFERRED TO STATE ADMINISTRATION		
3/08	HEARING		
3/12	TABLED IN COMMITTEE		

SB 242 INTRODUCED BY CRIPPEN, ET AL.

REVISE SCIENCE AND TECHNOLOGY ORGANIZATION, FUNDING,
AND PROGRAMS

BY REQUEST OF GOVERNOR

1/31	INTRODUCED		
1/31	FISCAL NOTE REQUESTED		
2/01	REFERRED TO TAXATION		
2/01	FIRST READING		
2/04	REFERRED TO BUSINESS & INDUSTRY		
2/05	FISCAL NOTE RECEIVED		
2/07	FISCAL NOTE PRINTED		

SENATE BILL NO. 239

INTRODUCED BY VAN VALKENBURG, STRIZICH
BY REQUEST OF THE DEPARTMENT OF
FISH, WILDLIFE, AND PARKS

IN THE SENATE

JANUARY 31, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
FEBRUARY 15, 1991	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 16, 1991	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 18, 1991	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 48; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON FISH & GAME.
	FIRST READING.
MARCH 15, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 18, 1991	SECOND READING, CONCURRED IN.
MARCH 19, 1991	THIRD READING, CONCURRED IN. AYES, 89; NOES, 10.
	RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

MARCH 23, 1991	RECEIVED FROM HOUSE.
	SECOND READING, AMENDMENTS CONCURRED IN.

MARCH 25, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 SENATE BILL NO. 239
2 INTRODUCED BY Van Valkenburg
3 BY REQUEST OF THE DEPARTMENT OF
4 FISH, WILDLIFE, AND PARKS
5

6 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING AS
7 FELONIES THE SALE OF UNLAWFULLY TAKEN WILDLIFE AND THE
8 POSSESSION OF UNLAWFULLY TAKEN WILDLIFE HAVING A VALUE OF
9 MORE THAN \$1,000; REVISING THE RESTITUTION PENALTIES FOR THE
10 ILLEGAL KILLING OR POSSESSION OF CERTAIN WILDLIFE; DEFINING
11 "LAWFULLY TAKEN WILDLIFE" AND "UNLAWFULLY TAKEN WILDLIFE";
12 AMENDING SECTIONS 87-1-111 AND 87-3-111, MCA; AND PROVIDING
13 AN EFFECTIVE DATE."
14

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 NEW SECTION. Section 1. Definitions of lawfully taken
17 wildlife and unlawfully taken wildlife. As used in [section
18 2] and this section, the following definitions apply:

19 (1) "Lawfully taken wildlife" means wildlife, as
20 defined in 87-5-102, that is taken or possessed by hunting,
21 fishing, or trapping in conformance with this title and the
22 regulations adopted by the commission and the department
23 under authority of this title.

24 (2) "Unlawfully taken wildlife" means wildlife that is
25 not lawfully taken wildlife.

1 NEW SECTION. Section 2. Sale or possession of
2 unlawfully taken wildlife -- penalty. (1) A person commits
3 the offense of sale of unlawfully taken wildlife if he
4 purposely or knowingly sells, barter, purchases, or
5 exchanges for anything of value or if he offers to sell,
6 barter, purchase, or exchange for anything of value,
7 unlawfully taken wildlife.

8 (2) A person commits the offense of possession of
9 unlawfully taken wildlife having a value of more than \$1,000
10 if he purposely or knowingly has actual or constructive
11 possession of or transports or causes to be transported
12 unlawfully taken wildlife having a value of more than
13 \$1,000. The value of the unlawfully taken wildlife must be
14 determined from the schedule of restitution values set out
15 in 87-1-111.

16 (3) A person who violates this section is guilty of a
17 felony and upon conviction shall be fined not more than
18 \$50,000 or be imprisoned in the state prison for a term not
19 to exceed 5 years, or both. In addition, a person convicted
20 under this section or who pleads guilty to a violation of
21 this section shall lose all hunting, fishing, and trapping
22 permits and license privileges for a minimum of 3 years or
23 up to a maximum of a lifetime revocation from the date of
24 conviction.

25 Section 3. Section 87-3-111, MCA, is amended to read:

INTRODUCED BILL
SB 239

87-3-111. (Temporary) Unlawful to buy, sell, possess, or transport fish or game -- exceptions -- penalties. (1) It is unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport any game fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof protected by the laws of this state, whether belonging to the same or different species from that native to the state of Montana, except as specifically permitted by the laws of this state.

(2) The provisions of this section do not prohibit:

(a) the possession or transportation within the state of any legally taken fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof;

(b) the sale, purchase, or transportation of hides, heads, or mounts of lawfully killed game birds, game fish, fur-bearing animals, or game animals, except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided in 87-3-110; or

(c) the donation and sale of paddlefish roe as caviar under the provisions of 87-4-601.

(3) Except as provided in subsection (4), any Any person violating any of the provisions of this section is guilty of a misdemeanor and upon conviction shall be punished as provided by law in 87-1-102.

(4) Any person engaging in the activities prohibited in

subsection (1) in furtherance of a scheme to traffic in the body parts of unlawfully taken species is guilty of a felony and shall be punished by a fine of \$10,000 or imprisonment in the state prison for a term of 1 year, or both (Terminates June 30, 1993--sec. 5, Ch. 409, L. 1989.)

87-3-111. (Effective July 1, 1993) Unlawful to buy, sell, possess, or transport fish or game -- exceptions -- penalties. (1) It is hereby made unlawful for any person to purchase, sell, offer to sell, possess, ship, or transport any game fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof protected by the laws of this state, whether belonging to the same or different species from that native to the state of Montana, except as specifically permitted by the laws of this state.

(2) The provisions of this section shall not prohibit:

(a) the possession or transportation within the state of any legally taken fish, game bird, migratory game bird, game animal, or fur-bearing animal or part thereof; or

(b) the sale, purchase, or transportation of hides, heads, or mounts of lawfully killed game birds, game fish, fur-bearing animals, or game animals, except that the sale or purchase of a hide, head, or mount of a grizzly bear is prohibited, except as provided in 87-3-110.

(3) Except as provided in subsection (4), any Any person violating any of the provisions of this section is

guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law in 87-1-102.

~~{4}--Any person engaging in the activities prohibited in subsection--(1)--in furtherance of a scheme to traffic in the body parts of unlawfully taken species is guilty of a felony and shall be punished by a fine of \$10,000--or--imprisonment in the state prison for a term of 1 year, or both."~~

Section 4. Section 87-1-111, MCA, is amended to read:

"87-1-111. (Temporary) Restitution for illegal killing or possession of certain wildlife. (1) In addition to other penalties provided by law, a person convicted or forfeiting bond or bail upon a charge of the illegal killing or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for each such bird, mammal, or fish according to the following schedule:

(a) bighorn sheep, mountain--goat,--caribou,--buffalo, grizzly bear, moose, and endangered species, \$1,000 \$2,000;

(b) elk, mountain goat, caribou, and moose, \$1,000;

~~{b}{c}~~ elk, mountain lion, black bear, lynx, and wolverine, buffalo, golden eagle, osprey, falcon, antlered deer as defined by commission regulation, and adult buck antelope as defined by commission regulation, \$500;

~~{c}{d}~~ deer not included in subsection (1)(c), antelope not included in subsection (1)(c), fisher, raptor not included in subsection (1)(c), swan, bobcat, pallid and

white sturgeon, and paddlefish, \$300;

~~{d}{e}~~ grayling and furbearers fur-bearing animals, as defined in 87-2-101, and not listed in subsection {1}{a}, {1}{b}, or (1)(c) or (1)(d), \$100;

~~{e}{f}~~ game bird (except swan), \$25;

~~{f}{g}~~ game fish, \$10.

(2) When a court enters an order declaring bond or bail to be forfeited, the court may also order that some or all of the forfeited bond or bail be paid as restitution to the state according to the schedule in subsection (1). A hearing to determine the amount of restitution, as required under 46-9-504, is not required for an order of restitution under this section. (Terminates June 30, 1993--sec. 5, Ch. 409, L. 1989.)

87-1-111. (Effective July 1, 1993) Restitution for illegal killing or possession of certain wildlife. (1) In addition to other penalties provided by law, a person convicted or forfeiting bond or bail upon a charge of the illegal killing or possession of a wild bird, mammal, or fish listed in this section shall reimburse the state for each such bird, mammal, or fish according to the following schedule:

(a) bighorn sheep, mountain--goat,--caribou,--buffalo, grizzly bear, moose, and endangered species, \$1,000 \$2,000;

(b) elk, mountain goat, caribou, and moose, \$1,000;

{b}(c) elk, mountain lion, black bear, lynx, and wolverine, buffalo, golden eagle, osprey, falcon, antlered deer as defined by commission regulation, and adult buck antelope as defined by commission regulation, \$500;

{c}(d) deer not included in subsection (1)(c), antelope not included in subsection (1)(c), fisher, raptor not included in subsection (1)(c), swan, bobcat, and pallid and white sturgeon, \$300;

{d}(e) paddlefish, grayling, and furbearers fur-bearing animals, as defined in 87-2-101, and not listed in subsection (1)(a)-(1)(b)-or (1)(c) or (1)(d), \$100;

{e}(f) game bird (except swan), \$25;

{f}(g) game fish, \$10.

{2} When a court enters an order declaring bond or bail to be forfeited, the court may also order that some or all of the forfeited bond or bail be paid as restitution to the state according to the schedule in subsection (1). A hearing to determine the amount of restitution, as required under 46-9-504, is not required for an order of restitution under this section."

NEW SECTION. Section 5. Codification instruction.

[Sections 1 and 2] are intended to be codified as an integral part of Title 87, chapter 3, part 1, and the provisions of Title 87, chapter 3, part 1, apply to [sections 1 and 2].

NEW SECTION. Section 6. Effective date. [This act] is effective July 1, 1991.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB0239, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill: 1) establishes as felonies the sale of unlawfully taken wildlife and the possession of unlawfully taken wildlife having a value of more than \$1,000; 2) revises the restitution penalties for the illegal killing or possession of certain wildlife; and 3) defines "lawfully taken wildlife" and "unlawfully taken wildlife".

ASSUMPTIONS:Department of Fish, Wildlife and Parks

1. The Department of Fish, Wildlife, and Parks has collected \$72,424 in restitution since the fall of 1987 (an average of \$18,105 per year). If the proposed civil restitution amounts had been used the department would have received \$105,053 (an average of \$26,282 per year). This represents an average increase of \$8,157 per year.
2. The department will not receive any significant increase in revenue from fines assessed by the Justices of the Peace.

Department of Institutions:

3. The prison will experience an additional two admissions per year.
4. There will be 2 new prisoners to house in FY92 and 3 in FY93.

FISCAL IMPACT:Department of Institutions:

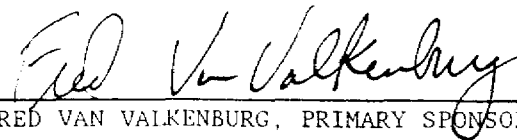
	FY 92			FY 93		
	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>Proposed Law</u>	<u>Difference</u>
<u>Expenditures:</u>						
Operating Costs	0	3,620	3,620	0	6,077	6,077
<u>Funding:</u>						
General Fund	0	3,620	3,620	0	6,077	6,077
<u>Revenue:</u>						
<u>Department of Fish, Wildlife and Parks:</u>						
General License Acct. (02)	18,105	26,262	8,157	18,105	26,262	8,157



ROD SUNDSTED, BUDGET DIRECTOR
Office of Budget and Program Planning

2-12-91

DATE



FRED VAN VALKENBURG, PRIMARY SPONSOR

2-12-91

DATE

Fiscal Note for SB0239, as introduced

SB 239

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FISH & GAME

Call to Order: By Bob Williams, on February 12, 1991, at 3:00 P.M.

ROLL CALL

Members Present:

Bob Williams, Chairman (D)
Don Bianchi, Vice Chairman (D)
John Jr. Anderson (R)
Eve Franklin (D)
Lorents Grosfield (R)
Greg Jergeson (D)
Dick Pinsoneault (D)
David Rye (R)
Paul Svrcek (D)
Bernie Swift (R)

Members Excused:

Senator Pinsoneault

Staff Present: Andrea Merrill (Legislative Council).

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Announcements/Discussion:

Roll taken and noted.

HEARING ON SB 239

Presentation and Opening Statement by Sponsor:

Senator Van Valkenburg, representing Dist. #30, explained that SB 239 has been requested by Fish, Wildlife and Parks (FWP) to establish as a felony the sale of unlawfully taken wildlife having a value of more than \$1,000. The reason for this legislation is last year the Montana Supreme Court ruled that the current law having to do with illegal trafficking of wildlife was written so the penalty provisions did not amount to a felony and, as such, the court overturned a particular conviction and remanded the case to the district court level. In order to

dissuade individuals who's intent is to profit from the illegal activity involving the State's resources of wildlife, there needs to be a strong message sent out to the poachers and traffickers that this State will not tolerate this activity.

Proponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks Department (Department). See Exhibit No. 1.

Mark J. Murphy, Asst. Attorney General for the State of Montana. See Exhibit No. 2.

Bob Winfield, representing the FWP, explained the values of specific wildlife. A trophy big horn ram, trophy bull elk, whitetail deer and mule deer would easily be worth \$10,000 on the black market. An exceptional trophy would be worth \$30-50,000. Values of our wildlife have changed. He gave an overview of an investigation the FWP is now involved in that has been going on for 1 1/2 years. The people involved have been commercializing our wildlife resources for over 30 years and have made a tremendous amount of money from this resource. They are habitual offenders and when charges were filed, the statutes on the books only allowed for criminal charges and not felony charges.

Susan Leonard, representing the Montana Audubon Legislative Fund, recommended amendments to SB 239. See Exhibit No. 3.

Scott Snelson, representing the Montana Wildlife Federation, supports SB 239.

Stan Bradshaw, representing Montana Trout Unlimited, supports SB 239.

Tony Schoonen, representing Skyline Sportsman Club, Butte, supports SB 239.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Rye questioned Senator Van Valkenburg if he had any problem with the bald eagle amendments requested by Montana Audubon. He responded that he did not and after conversing with the FWP, felt it was an oversight that it had not been included in the original draft.

Senator Jergeson questioned Senator Van Valkenburg if he felt this bill, as amended, would pass muster in the court system. Senator Van Valkenburg felt confident this bill would allow the maximum sentence for convicted poachers.

Closing by Sponsor:

Senator Van Valkenburg urges passage of SB 239.

HEARING ON SB 240

Presentation and Opening Statement by Sponsor:

Senator Van Valkenburg, representing Senate Dist. No. 30, explained SB 240 is at the request of the Fish, Wildlife and Parks, to generally revise the law regarding fish and game misdemeanor penalties. The FWP wishes to devote their efforts of enforcement on individuals who purposely or knowingly violate the law.

Proponents' Testimony:

K. L. Cool, Director of Fish, Wildlife and Parks. See Exhibit No. 4.

Bob Winfield, representing Fish, Wildlife and Parks, gave his support for SB 240 for at this time the FWP's hands are tied when trying to prosecute offenders to the full extent of the law.

Susan Leonard, representing Montana Audubon Legislative Fund, supports SB 240. See Exhibit No. 5.

Stan Bradshaw, Montana Trout Unlimited, supports SB 240.

Tony Schoonen, representing the Skyline Sportsmen's Club of Butte, Mt. Supports SB 240.

Opponents' Testimony:

None

Questions From Committee Members:

Senator Svrcek questioned Mr. Winfield if the investigation FWP is now involved in is a misdemeanor or a felony investigation. Mr. Winfield hopes that the FWP will be able to turn it into a felony investigation through Federal statutes, which is the only recourse they have.

Senator Svrcek questioned if it is worth for the FWP to pursue a misdemeanor investigation over a period of three years? Mr. Winfield stated that often times it is, as it can be made into a felony investigation.

Closing by Sponsor:

Senator Van Valkenburg commented on some of the cases he was involved with where the first individual who came to the

SB 239
February 12, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to the Senate Fish and Game Committee

Our undercover operations, along with the work of our uniformed wardens, have shown clearly that there are those who severely abuse and destroy the state's wildlife resources for profit or for selfish "sport." For these individuals, the present misdemeanor statutes are not an effective deterrent. Felony prohibitions are justified by the nature of the wrongful acts and are necessary to provide effective protection to these wildlife resources.

SB 239 would reestablish and strengthen the felony statutes for unlawfully taking wildlife.

The problem of illegal commercialization of wildlife was addressed by the 1987 Legislature when legislation passed making it a felony to traffic in the body parts of unlawfully taken wildlife species. Several individuals have been charged and convicted under that felony statute (Section 87-3-111(4)).

However, in August, 1990 the Montana Supreme Court found that the current fish and wildlife felony statutes did not qualify as a felony because the prison terms were too short. The court found the statute vague and redundant, particularly because the term "trafficking" was not defined. In addition to the Supreme Court decision, prosecutors and judges have expressed similar concerns with the present law. They have advised that the felony penalty section is inappropriately placed in the same section as the misdemeanor penalty section and that the terms "trafficking" and "scheme" are not defined in the statutes. There is a need to clearly define those prohibited activities that are felonies.

Further, the present penalty - a fine of \$10,000, a one-year prison term, or both -- is not a sufficient deterrent to blatant offenders who make black market profits at the expense of our wildlife resources. At the urging of the Supreme Court and prosecutors, this legislation addresses the following concerns:

1. This legislation provides a definition of "lawfully" and "unlawfully" taken wildlife that is not otherwise defined in the statutes.
2. The old "felony" statute with the terms "trafficking" and "scheme" has been deleted.

WITNESS STATEMENT

To be completed by a person testifying or a person who wants their testimony entered into the record.

Dated this 12TH day of FEBRUARY, 1991.

Name: MARK J. MURPHY

Address: C/O ATTORNEY GENERAL'S OFFICE

Telephone Number: 444-2026

Representing whom?

ATTORNEY GENERAL'S OFFICE

Appearing on which proposal?

SB 239

Do you: Support? X Amend? Oppose?

Comments:

THE CHANGES IN THE FELONY LAW ARE
STRONGLY RECOMMENDED BY THE MONTANA
SUPREME COURT IN STATE V GIBBS, 475T
RPTR 1584 (1990)

Montana Audubon Legislative Fund

Testimony on SB 239
Senate Fish & Game Committee
February 12, 1991

Mr. Chairman and Members of the Committee,

My name is Susan Lenard and I am testifying today on behalf of the Montana Audubon Legislative Fund. The Audubon Fund is composed of nine Chapters of the National Audubon Society and represents 2,500 members throughout the state.

SB 239 is much needed legislation. Because of an August 1990 Montana Supreme Court decision, Montana is no longer able to prosecute commercial trade, for unlawfully taken wildlife, as a felony in state courts. Certain wildlife crimes should be treated as felonies.

We support SB 239, but ask for one amendment. Under the restitution schedule in front of you, killing a Bald Eagle would invoke a \$300 restitution fine (as they are considered raptors). This seems inappropriate since Bald Eagles are a "threatened" species under federal law. Montana does not have a threatened species list. We would hope that you would add "Bald Eagle" to the list of species for which a restitution fee of \$1000 is collected.

We recommend the following changes:

Page 5, Line 18. Following "caribou," Insert "bald eagle,"

Page 6, Line 25. Following "caribou," Insert "bald eagle,"

Because the Bald Eagle is a threatened species, we feel that this is an appropriate fine. With our amendment, it would be a felony violation to "knowingly and purposely" kill two Bald Eagles.

Laws aimed at discouraging the illegal taking of Montana's wildlife are particularly important today because of the increase in commercial poaching operations in Montana. Higher fines make poaching less lucrative.

We urge you to vote "DO PASS" on this important measure.

He urges the committee's support of SB 171. Without it, the Department will become mediocre and we will lose this resource. Montana is one of the last places where a man can hunt to feed his family if he is a proficient hunter.

EXECUTIVE ACTION ON SB 239

Amendments, Discussion, and Votes:

Senator Grosfield made the motion to approve amendments to SB 239. Amendments passed unanimously.

Recommendation and Vote:

Senator Jergeson made the motion to pass SB 239 as amended. Passed unanimously.

EXECUTIVE ACTION ON SB 240

Motion:

Senator Jergeson made the motion to pass SB 240.

Recommendation and Vote:

Senate Bill 240 passed unanimously.

EXECUTIVE ACTION ON SB 142

Discussion:

Senator Jergeson asked Director Cool if the outfitters bringing in hunters who were only after trophy bulls and not shooting cow elk was the reason for the over abundance of that sex. Director Cool stated that he didn't think so but felt the increased numbers of cow elk was due to the increase of the elk herds. He feels that SB 142 provides the FWP with an additional tool to harvest cow elk where there are extensive populations. He also felt there was a preference for antlered animals thus leaving more cow elk to escape the hunter's bullet.

Senator Franklin questioned Director Cool why this management problem could not have been handled within the Department.

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
February 15, 1991

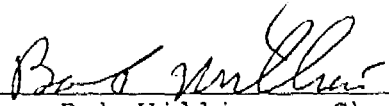
MR. PRESIDENT:

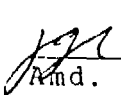
We, your committee on Fish and Game having had under consideration Senate Bill No. 239 (first reading copy -- white), respectfully report that Senate Bill No. 239 be amended and as so amended do pass:

1. Page 5, line 18.
Following: "caribou,"
Insert: "bald eagle,"

2. Page 6, line 25.
Following: "caribou,"
Insert: "bald eagle,"

Signed: _____


Bob Williams, Chairman

 2-15-91
Mnd. Coord.

SB 2-15 1:30
Sec. of Senate

350835SC.Sji

Bob Winfield, FWP, said other states are effectively using this program. Decoys can be used over and over.

Susan Lenard, Montana Audubon Legislative Fund, supports this bill.

Opponents' Testimony: none

Questions From Committee Members:

REP. DEBRUYCKER questioned the legality of this program. With implementation of this bill, would an arrest hold up in court? Mr. Winfield said it has in other states' court cases. REP. SCOTT asked if the decoys would only be used during hunting season. Mr. Cool said the decoys would be used year-round. Use does not pertain to any season. REP. SPRING asked what the penalties are. Mr. Winfield said penalties would be concurrent with spotlighting penalties, with a minimum of \$300. REP. HANSON asked if a private individual could put out his own decoy. Mr. Cool said yes, but it would not be allowed in terms of prosecution. REP. GILBERT asked Mr. Cool if the department didn't have better things to do. Mr. Cool said these decoys will save many hours of enforcement time and will save costs. REP. MCCARTHY asked the average cost of a decoy. Mr. Winfield said \$40 to \$150. REP. SCOTT asked if it should be written into the bill that these decoys would only be used during the hunting season. SEN. RYE said he agreed with the department that it should not pertain to any season. Illegal hunting practices happen year-round.

Closing by Sponsor:

SEN. RYE urged support of this bill because it would protect wildlife and would help deter illegal hunting practices.

HEARING ON SENATE BILL 239

Presentation and Opening Statement by Sponsor:

SEN. FRED VAN VALKENBURG, House District 30, Missoula, said laws regarding illegal trafficking of unlawfully taken wildlife need to meet the requirements of the Supreme Court decision handed down last year. This decision has made current laws virtually unusable. SB 239 would reestablish and strengthen the felony statutes for unlawfully taken wildlife. Under current law there is no definition of trafficking. He urged support of this bill.

Proponents' Testimony:

K.L. Cool, FWP, supports this bill. EXHIBIT 2

Bob Lane, FWP, cited a 1990 Montana court decision. EXHIBIT 3

Mr. Bob Winfield, FWP, said this bill will benefit sportsmen. Sometimes FWP's enforcement officers are not able to prosecute under the fish and wildlife felony statutes.

Susan Lenard, Montana Audubon Legislative Fund, said this legislation is needed because it would increase the penalties for unlawful taking of wildlife.

Opponents' Testimony: none

Questions From Committee Members:

REP. GILBERT said on page 6, line 1, the bill refers to pallid sturgeon at \$300. Didn't the U.S. Fish and Wildlife Service declare the pallid sturgeon an endangered species? Mr. Lane said that is correct. REP. GILBERT said on page 6, line 1, and page 7, line 9, the word "pallid" should be stricken so that pallid sturgeon would fall under page 5, line 7, where it says "and endangered species, \$2,000". Mr. Cool said for the average fisherman, the pallid sturgeon is very difficult to distinguish from the white sturgeon. Only four pallid sturgeon were found last year. The department would prefer it wasn't listed as an endangered species. The federal statutes will apply regardless of how it's listed. If a pallid sturgeon is accidentally taken, the department would like the flexibility of whether to prosecute or not. REP. GILBERT said it is an endangered species, so it should be listed as an endangered species. REP. KELLER asked whether a person who takes the parts of a damaged game animal before it deteriorates and has it in his possession can be prosecuted under this legislation. Mr. Lane said no, a person would have to illegally take the animal and then try to sell it. REP. FORRESTER asked why the restitution value of the bull elk is so low. These animals can be bought back at an auction at a lesser price. Mr. Cool said the average animal restitution values need to be used so the courts will have guidelines. If values are set too high, it is difficult to prosecute because the penalties are not acceptable to society.

Closing by Sponsor:

SEN. VAN VALKENBURG said effective prosecution laws are needed and urged support of SB 239.

HEARING ON SENATE BILL 240

Presentation and Opening Statement by Sponsor:

SEN. VAN VALKENBURG said this bill is to revise the laws regarding fish and game misdemeanor penalties. It clarifies and strengthens the fish and wildlife criminal statutes. The amendments will allow the courts to effectively carry out the

EXECUTIVE ACTION ON SENATE BILL 239

Motion: REP. PHILLIPS MOVED SB 239 BE CONCURRED IN.

Discussion:

REP. GILBERT said pallid sturgeon should be put in the schedule of endangered species. REP. MEASURE agreed.

Motion/Vote: REP. GILBERT moved to adopt an amendment to SB 239. EXHIBIT 7 Motion carried unanimously.

Motion/Vote: REP. GILBERT MOVED SB 239 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

EXECUTIVE ACTION ON SENATE BILL 240

Motion: REP. PHILLIPS MOVED SB 240 BE CONCURRED IN.

Discussion:

REP. GILBERT asked if a person could be fined for storing or throwing away bad meat that was kept in a freezer too long. Mr. Winfield said that is not the intent. For example, this bill addresses a person who kills a deer and lets it rot on their lawn or hanging in their garage. Under present statutes that person could not be fined for wasting game. REP. GILBERT asked whether a hunter who attempts to cool his game properly, but due to warm weather it spoils, can be prosecuted? Mr. Winfield said the hunter would not be prosecuted because it was not done purposely. REP. MEASURE said the provision "upon conviction or forfeiture of bond or bail" appears extensively in the bill. There is a constitutional problem of whether or not they are convicting somebody before they have a right to appeal. Why is that language being used? Is the department willing to change it? Mr. Lane said the department is trying to deal with a loophole. Persons can simply take the ticket to appear, post bond, and then forfeit the bond, knowing they won't be subject to the forfeiture provision. The forfeiture provision is one of the strongest enforcement measures the department has, because people value their hunting and fishing privileges. People will forfeit the bond, but not their hunting and fishing privileges. If there are revisions needed in the wording, the department would certainly consider it, but they want to make sure the loophole is closed. CHAIRMAN ELLIOTT said the title of this bill is amendable to raising the trespass penalties. REP. MEASURE said raising trespass penalties is a terrible idea. Trespass is the very least of any of the crimes against property and should remain so. The present trespass law is strong enough. There is a criminal mischief statute that covers the vandalism of gates. It would cause too many problems to amend this bill in regard to trespassing. REP. STRIZICH agreed that trespass needs to be a

HOUSE OF REPRESENTATIVES

FISH AND GAME COMMITTEE

ROLL CALL

DATE 3-13-91

NAME	PRESENT	ABSENT	EXCUSED
REP. JOHN JOHNSON, VICE-CHAIRMAN			✓
REP. BEVERLY BARNHART	✓		
REP. FRED "FRITZ" DAILY	✓		
REP. ROGER DEBRUYCKER	✓		
REP. ORVAL ELLISON	✓		
REP. GARY FORRESTER	✓		
REP. BOB GILBERT	✓		
REP. MARIAN HANSON	✓		
REP. VERNON KELLER	✓		
REP. BEA MCCARTHY	✓		
REP. BRUCE MEASURE	✓		
REP. JOHN PHILLIPS	✓		
REP. TED SCHYE	✓		
REP. JOHN SCOTT	✓		
REP. WILBUR SPRING	✓		
REP. BILL STRIZICH	✓		
REP. JIM ELLIOTT, CHAIRMAN	✓		

4:30
3-14-91
JDB

HOUSE STANDING COMMITTEE REPORT

March 14, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Fish and Game report that Senate Bill 239 (third reading copy -- blue) be concurred in as amended.

Signed: _____
Jim Elliot, Chairman

And, that such amendments read:

1. Page 6, line 1.
Strike: "pallid and"
2. Page 7, line 9.
Strike: "pallid and"

SB 239
March 13, 1991

Testimony presented by K. L. Cool, Dept. of Fish, Wildlife & Parks
to the House Fish and Game Committee

SB 239 would reestablish and strengthen the felony statutes for unlawfully taking wildlife.

The problem of illegal commercialization of wildlife was addressed by the 1987 Legislature when legislation passed making it a felony to traffic in the body parts of unlawfully taken wildlife species. Several individuals have been charged and convicted under that felony statute (Section 87-3-111(4)).

However, (in August, 1990 the Montana Supreme Court found that the current fish and wildlife felony statutes did not qualify as a felony because the prison terms were too short) The court found the statute vague and redundant, particularly because the term "trafficking" was not defined. In addition to the Supreme Court decision, prosecutors and judges have expressed similar concerns with the present law. They have advised that the felony penalty section is inappropriately placed in the same section as the misdemeanor penalty section and that the terms "trafficking" and "scheme" are not defined in the statutes. There is a need to clearly define those prohibited activities that are felonies.

Further, the present penalty - a fine of \$10,000, a one-year prison term, or both -- is not a sufficient deterrent to blatant offenders who make black market profits at the expense of our wildlife resources. At the urging of the Supreme Court and prosecutors, this legislation addresses the following concerns:

1. This legislation provides a definition of "lawfully" and "unlawfully" taken wildlife that is not otherwise defined in the statutes.
2. The old "felony" statute with the terms "trafficking" and "scheme" has been deleted.
3. Two new felony offenses have been created.
 - a. The first is the sale of unlawfully taken wildlife. A violation here involves two separate illegal acts. The first is possession of unlawfully taken wildlife which in itself is a misdemeanor. For a felony to occur, this act must be compounded by a second illegal act, the buying or selling of the wildlife. These acts must be done purposely or knowingly.

b. The second is the possession of unlawfully taken wildlife when the value of the wildlife is more than \$1,000. The value of the unlawfully taken wildlife must be determined from the schedule of the restitution values set out in Section 87-1-111.

4. This legislation proposes amendments (to Section 87-1-111) to more accurately reflect current wildlife values. This allows the application of the felony provision to address serious wildlife violations such as those committed in 1989 by four Florida hunters who were apprehended at the Billings airport with parts of 38 unlawfully taken deer and antelope.

5. Following is a scenario of how the felony determination would be applied for the possession of unlawfully taken wildlife that have a value of more than \$1,000:

one unlawfully taken grizzly bear proposed value of \$2,000, or

two elk proposed value of \$1,000 each, or

three antlered deer proposed value of \$500 each, or

four doe deer proposed value of \$300 each,

would all constitute a felony under this legislation if the illegal act was committed knowingly or purposely.

6. Finally, this legislation increases the maximum prison term and fine to that found in other felony statutes of the state - five years and \$50,000. This was a recommendation of judges and prosecutors to provide parity with other criminal statutes.

STATE REPORTER
Box 749
Helena, Montana 59624

EXHIBIT 3
DATE 3-13-91
\$ 239

VOLUME 47

No. 90-109

STATE OF MONTANA,

Plaintiff and Respondent,

v.

Submitted: June 28, 1990
Decided: Aug. 30, 1990

LEE and REBECCA GIBBS,
husband and wife,

Defendants and Appellants.

GAME, Appeal from conviction of selling mountain lion, possession of lion hide, and felony trafficking in body parts. The Supreme Court held:

1. Because Appellant was convicted of a felony scheme to traffic in body parts, the misdemeanor charge of selling the lion was a lesser-included offense.
2. Although sec. 87-3-111 states that trafficking is a felony, because the jail sentence does not exceed one year it may not, under the classification rules of sec. 45-1-201 be considered a felony.
3. Because Appellant failed to notify FWP within 72 hours, his claim that the bobcat was taken in defense of his son could not be considered by the jury.

Appeal from the Tenth Judicial District Court, Fergus County,
Honorable John C. Warner, Judge

For Appellant: Torger S. Oaas, Lewistown

For Respondent: Marc Racicot, Attorney General; Elizabeth S. Baker,
Assistant Attorney General, Helena; Craig R. Buehler,
Fergus County Attorney; Jon A. Oldenburg, Deputy
County Attorney, Lewistown

Opinion by Justice Sheehy; Chief Justice Turnage and Justices Harrison, Barz, McDonough and Weber concur. Justice Hunt concurs in this opinion.

Affirmed and remanded.

____ Mont. ____

____ P.2d ____

Justice Sheehy delivered the Opinion of the Court.

Lee and Rebecca Gibbs each appeal from judgments of conviction against them for violations of the game laws of Montana. The convictions were obtained in the District Court, Tenth Judicial District, Fergus County. As to Lee Gibbs, we affirm the judgment of conviction as to two of the counts and remand one of the same for resentencing. We affirm the conviction of Rebecca Gibbs but remand for resentencing.

In the month of February, 1988, Warden Sergeant Gary E. Burke, of the Montana Department of Fish, Wildlife and Parks, posing as a buyer of animal horns, in an undercover investigation, viewed antlers at the Gibbs residence. On a subsequent date, when Burke returned to the Gibbs residence, Lee Gibbs inquired about purchasing a set of sheep horns the agent had in his truck. Eventually Gibbs agreed to trade his tanning services for two illegal bobcat hides that Burke brought over in exchange for a small set of sheep horns from Burke. Burke picked up the bobcat hides after they were tanned. Rebecca Gibbs told Burke that she had done most of the work on the hides.

On Burke's first visit to the Gibbs residence, Lee Gibbs had shown him a mountain lion hide which Gibbs said he had caught in a trap line he had set out. Gibbs had shot the mountain lion twice in the side with a pistol. On a later visit by Burke to the Gibbs home, the price of lion hide was discussed and eventually Burke paid Gibbs \$300 for the lion hide.

The foregoing are the important facts in regard to this case. Lee Gibbs was charged in the District Court with violations of the game laws in five counts: Count I possession of parts of an unlawfully taken fur-bearing animal (sec. 87-3-112, MCA), for the possession of two illegal bobcat pelts; Count II possession of parts of an unlawfully taken game animal (sec. 87-3-112, MCA), illegal possession of the head and cape of a bighorn sheep; Count III sale of parts of unlawfully taken game animals (sec. 87-3-111, MCA), selling the hide of an unlawfully taken mountain lion for \$300; Count IV possession of parts of an unlawfully taken game animal (sec. 87-3-112, MCA), having possession of parts of an unlawfully taken mountain lion; and, Count v. a felony, trafficking in body parts of unlawfully taken species (sec. 87-3-111(4), MCA), relating to the purchase, sale, possession and transportation of unlawfully taken game animals.

Rebecca Gibbs was charged with the felony count of trafficking in body parts of game animals through accountability, under secs. 87-3-111(4) and 45-2-302, MCA, relating to aiding and encouraging Lee Gibbs in selling, purchasing, possessing and transporting unlawfully taken game animals or parts thereof.

The cases against the two defendants were consolidated for trial. The jury found Rebecca Gibbs guilty as to the charge against her. As to Lee Gibbs, the jury was unable to reach a verdict (a hung jury) on Counts I (possession of illegal bobcat pelts) and II (possession of the head and cape of an illegal bighorn sheep). Lee Gibbs was found guilty by the jury of Count III (selling the mountain lion for \$300), Count IV (illegal possession of the hide of the mountain lion); and, Count V (trafficking in body parts of unlawfully taken species, a

of Montana, Plaintiff and Respondent, v.
Gibbs, Defendants and Appellants
Mont. Rep. 1584

(felony).

The defendants were sentenced on January 15, 1990. Rebecca Gibbs was sentenced to a fine of \$10,000 and a one year term of imprisonment, all of which was suspended on the condition that she have no firearms in her possession during the suspension and that she serve five days in the Fergus County Jail. Lee Gibbs was sentenced on counts IV and V only, the District Court having declared that Count IV constituted a lesser-included offense of Count V. As to Count IV, Gibbs was fined \$300 and ordered to serve 30 days in the Fergus County Jail concurrent with time imposed under Count V, and was further ordered to pay restitution in the sum of \$500 pursuant to sec. 87-3-111(1)(b), MCA. As to Count V, the court imposed a fine of \$10,000, which was suspended on the condition that the defendant Lee Gibbs obey all the fish and game laws of the state of Montana for the period of his incarceration and he was sentenced to a one year term of imprisonment at the Montana State Prison. All of each of the defendants' hunting, fishing and trapping privileges were suspended under sec. 87-3-111, MCA, from December 5, 1989 through and including December 31, 1999. The case has come to this Court on appeal from the foregoing judgments and sentences.

There is no doubt that there was sufficient evidence to sustain the convictions on counts found by the jury. The difficulty for us in this case arises, as it did for the District Court, from consideration of the sentences imposed, in the light of the language of the statutes under which the defendants were charged. In passing sentence, the District Court expressed its dismay, saying:

"The statutes concerning the fish and game laws and regulations in Montana are mismatched, inconsistent, and provide inconsistent penalties. They render the hunting, fishing and trapping regulations of this state difficult if not impossible for game wardens to enforce, make the job of other law enforcement officials difficult. I feel that the laws as they are written render it difficult for citizens of this state to know what those laws and regulations are. It is the opinion of this Court that they need to be redrafted so that they can be understood.

"This case does present some possible grounds for an appeal. The Supreme Court in this case, should the Defendant desire to appeal, may interpret the laws, but they will have difficulty in rendering an opinion which may have general application. I would request and invite them to do so, should they have the opportunity."

Montana law makes it a misdemeanor to sell, offer to sell, possess, ship or transport a fur-bearing game animal or any part thereof except as permitted by law. Section 87-3-111(1)(3), MCA. The law also provides that any person engaging in the activities prohibited by the misdemeanor statute in furtherance of a "scheme to traffic in the body parts" of unlawfully taken species is a felony. Section 87-3-111(4), MCA. The District Court properly concluded that the misdemeanor portion of the statute was a lesser-included offense of the felony portion, guided by State v. Hankins (1984), 209 Mont. 365, 680 P.2d 958. The District Court also held that under Hankins, the felony crime did not require a scheme to traffic by involving more than one animal. The District Court was uncomfortable with this

f Montana, Plaintiff and Respondent, v.
Defendants and Appellants
ep. 1584

f criminal accountability. She argues on appeal that the jury
ng on the counts charged against her husband, Lee Gibbs,
g to the bobcat pelts that Burke had brought for tanning. She
itted to Burke that it was she who did the tanning. There is no
vidence in the record which shows her participation in the acts
against her husband, for which he was convicted. She relies on
. Cornish (1925), 73 Mont. 205, 209, 235 P. 702, 703 and State
Murphy v. McKinnon (1976), 171 Mont. 120, 125, 556 P.2d 906,
t she cannot be criminally responsible as an accomplice because
mere presence at the acts for which her husband was convicted.

ain the conviction of Rebecca was for "trafficking," as an
ice. It is not necessary that criminal accountability must be
l on the convictions for the same crime by the principal
r. A person may be convicted for accountability on proof that
ense was committed, even though the other person claimed to
mitted the offense has not been convicted, or is convicted of
rent crime. Section 45-2-303, MCA.

ere is stronger proof in Rebecca's case that she aided or
"trafficking," since for a consideration to her husband, she
two hides for Burke.

e same problem for Rebecca's felony conviction arises as for
b's, relating to the classification of trafficking as a felony.
e said foregoing applies also here. Accordingly we sustain the
ion of Rebecca as a misdemeanor, and remand her sentence to the
t Court for resentencing as a misdemeanor violation.

strongly urge the Department of Fish, Wildlife and Parks to
the legislature in a clean-up of the statutes defining crimes
protected game animals. The present statutes, particularly the
of sec. 87-3-111, MCA, are vague and redundant. Especially it
be made clear whether "trafficking" means a course of trade or
le of a single animal. There are constitutional considerations
recognized in the rights of people to know in clear language
eir acts transgress the rules of society.

onvictions affirmed. Remanded for resentencing in accordance
h.

DATE 3-13-91
SB 237

Amendments to Senate Bill No. 239
Third Reading Copy

Requested by Rep. Gilbert
For the Committee on F&G

Prepared by Doug Sternberg
March 14, 1991

1. Page 6, line 1.
Strike: "pallid and"
2. Page 7, line 9.
Strike: "pallid and"

HOUSE OF REPRESENTATIVES

VISITOR'S REGISTER

Fish and Game

COMMITTEE

BILL NO. SB 239DATE 3-13-91

SPONSOR(S)

Van Valkenburgh

PLEASE PRINT

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	BILL	OPPOSE	SUPPORT
Susan Lenard	MT Audubon			X
Stan Bradshaw	MTU			✓
Car Bradshaw	Self			✓
Scott Snelson	MT Wildlife Fed			✓
Kelly Alyson	Self			✓
Bob Winfield	FWP			✓
KL Cool	FWP			✓

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.